

REMARKS/ARGUMENTS

I. Status of Claims

Claims 1 and 2 are amended

Claims 10-20 and 26-33 are canceled.

Claims 1-9 and 21-25 are pending.

II. Claims 1-9 Overcome Section 112 2nd Paragraph Rejections

On page 7 of the Office Action, the Examiner rejects claims 1-9 as being indefinite under 35 U.S.C §112 second paragraph, because the Examiner stated that the term “or pharmaceutically acceptable salt thereof” renders claim 1 vague due to its possible reference to the compounds being excluded. Accordingly, applicants have amended claim 1 such that the term “or pharmaceutically acceptable salt thereof” refers to the claimed compounds (formulas I and II) and not the excluded compounds. Claims 2-9 depend from amended claim 1.

Applicants request the examiner to withdraw the section 112 rejection and move the claims towards allowance.

III. Claims 1-4 and 8-9 are Novel Over Isakson et al. (US 5756529)

On page 2 of the Office Action, the Examiner rejects claims 1-4, 8-14, 16-18, 26 and 30-33 as being anticipated by Isakson et al. under 35 U.S.C §102(b). Claims 10-20 and 26-33 are canceled. Therefore, only pending claims 1-4 and 8-9 are relevant to this rejection.

The compound of the formula (I) as claimed, has been limited by defining, “when X is -SO₂-, R₁ is not -NH₂- or -N=CH-NR₅R₅ (wherein R₅ is alkyl)”. Therefore, amended claims 1-2 and dependent claims 3-4, 8, and 9 overcome the anticipation rejection over Isakson et al.

Applicants request the examiner to withdraw the section 102(b) rejection over Isakson et al. and move the claims towards allowance.

IV. Claims 1-4 and 8-9 are Novel Over Talley (US 5466823)

On page 3 of the Office Action, the Examiner rejects claims 1-4, 8-14, 16-18, 26 and 30-33 as being anticipated by Talley under 35 U.S.C §102(b). Claims 10-20 and 26-33 are canceled. Therefore, only pending claims 1-4 and 8-9 are relevant to this rejection.

The compound of the formula (I) as claimed, has been limited by defining, “when X is -SO₂-, R₁ is not -NH₂- or -N=CH-NR₅R₅ (wherein R₅ is alkyl)”. Therefore, amended claims 1-2 and dependent claims 3-4, 8, and 9 overcome the anticipation rejection over Talley.

Applicants request the examiner to withdraw the section 102(b) rejection over Talley and move the claims towards allowance.

V. Claims 1 and 5-9 are Novel Over Sherman et al. (1983)

On page 4 of the Office Action, the Examiner rejects claims 1, 5-14, 16-18, 26 and 30-33 as being anticipated by Sherman et al. under 35 U.S.C §102(b). Claims 10-20 and 26-33 are canceled. Therefore, only pending claims 1, and 5-9 are relevant to this rejection.

The structures of the compounds Ro 14-3899 and Ro 14-9572 disclosed in Sherman are different from the structure of the compounds claimed. Hence, the examiner's statements that these compounds disclosed in Sherman read on formula (II) of the present invention are not correct.

Claim 1 has been amended to exclude the structure of Ro-15-1570 from the formula (II) as claimed. Thus, Sherman does not teach all the limitations of the pending claims.

Applicants request the examiner to withdraw the section 102(b) rejection over Sherman et al. and move the claims towards allowance.

VI. Claims 21, 23, and 25 are Novel Over Rehbein et al., (2002)

On page 5 of the Office Action, the Examiner rejects claims 10-14, 16-18, 21, 23, and 25-33 as being anticipated by Rehbein under 35 U.S.C §102(b). Claims 10-20 and 26-33 are canceled. Therefore, only pending claims 21, 23, and 25 are relevant to this rejection.

Rehbein neither discloses nor suggests a method of screening for a compound useful for the treatment of a proliferative disease, an inflammatory disease or an encephalopathy, which includes use of MARTA1/KSRP or a fragment thereof. In addition, it is readily observed from the disclosure of the instant specification that the compound or the active ingredient of the pharmaceutical composition claimed herein and used belongs to the class of low molecular weight compounds and the test compound in claims 21, 23 or 25 does not include an antibody against MARTA1/KSRP. In other words, Rehbein does not teach or suggest using a compound as claimed in claims 21, 23, or 25.

Applicants request the examiner to withdraw the section 102(b) rejection over Rehbein et al. and move the claims towards allowance.

VII. Claims 21-25 are Novel Over Min et al., (1997)

On page 7 of the Office Action, the Examiner rejects claims 10-14, 16-18, and 21-33 as being anticipated by Min et al., under 35 U.S.C § 102(b). Claims 10-20 and 26-33 are canceled. Therefore, only pending claims 21-25 are relevant to this rejection.

Min neither discloses nor suggests a method of screening for a compound useful for the treatment of a proliferative disease, an inflammatory disease or an encephalopathy, which includes use of MARTA1/KSRP or a fragment thereof. In addition, it is readily observed from the disclosure of the instant specification that the compound or the active ingredient of the pharmaceutical composition claimed herein and used belongs to the class of low molecular weight compounds and the test compound in claims 21-25 does not include an antibody against MARTA1/KSRP. In other words, Min does not teach or suggest using a compound as claimed in claims 21-25.

Applicants request the examiner to withdraw the section 102(b) rejection over Min et al. and move the claims towards allowance.

Summary

No other fees are believed due at this time, however, please charge any deficiencies or credit any overpayments to deposit account number 12-0913 with reference to our attorney docket number (43512-104182).

Respectfully submitted,

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